

OPEN MEETING ITEM

COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

ORIGINAL



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ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission
DOCKETED

2013 AUG 23 A 11: 35

AUG 23 2013

DATE: AUGUST 23, 2013

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY	
<i>Wm</i>	<i>NR</i>

DOCKET NOS.: W-01689A-11-0401 AND WS-01689A-11-0402

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

CLEAR SPRINGS UTILITIES COMPANY, INC.
(AMENDS DECISION NO. 74037 *NUNC PRO TUNC*)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

SEPTEMBER 3, 2013

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

SEPTEMBER 10, 2013 AND SEPTEMBER 11, 2013

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

A handwritten signature in cursive script that reads "Jodi A. Jerich".
JODI JERICH
EXECUTIVE DIRECTOR

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BREND A BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF
9 CLEAR SPRINGS UTILITY COMPANY, INC.
10 WATER DIVISION, FOR AUTHORITY TO
11 INCUR LONG-TERM DEBT.

DOCKET NO. W-01689A-11-0401

12 IN THE MATTER OF THE APPLICATION OF
13 CLEAR SPRINGS UTILITY COMPANY, INC.
14 WATER AND WASTEWATER DIVISIONS, FOR
15 PERMANENT RATE INCREASES.

DOCKET NO. WS-01689A-11-0402

ORDER CORRECTING DECISION
NO. 74037 NUNC PRO TUNC

16 Open Meeting
17 September 10 and 11, 2013
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

20 Having considered the entire record herein and being fully advised in the premises, the
21 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

22 **FINDINGS OF FACT**

23 1. On July 2, 2013, a Recommended Opinion and Order was docketed in the above-
24 captioned matter and scheduled for consideration at the Commission's July 17, 2013, Open Meeting.
25 The Recommended Opinion and Order was subsequently pulled from the July 17, 2013, Agenda.
26 The Commission heard the matter at its August 13, 2013, Open Meeting and approved the
27 Recommended Opinion and Order as amended.

28 2. Decision No. 74037 became effective August 16, 2013.

3. After the August 13, 2013, Open Meeting it was learned that certain dates in the
Recommended Opinion and Order had not been revised to reflect the later Open Meeting date
resulting in several incorrect effective and deadline dates. The Decision states as follows:

- Page 46, Lines 17 - 19: IT IS THEREFORE ORDERED that Clear Springs Utility Company, Inc. is directed to file with the Commission by July 31, 2013, a schedule of

the approved rates and charges for its Wastewater Division as set forth below:"

- Page 47, Lines 8 – 9: IT IS FURTHER ORDERED that the rates and charges set forth above shall be effective for all wastewater services rendered by Clear Springs Utility Company, Inc. on and after August 1, 2013.
- Page 47, Lines 25 – 27: IT IS FURTHER ORDERED that Clear Springs Utility Company, Inc. is directed to file with the Commission by July 31, 2013, a schedule of the approved rates and charges for the Water Division as set forth below:"
- Page 49, Lines 21 – 22: IT IS FURTHER ORDERED that the above rates and charges shall be effective for all water services rendered by Clear Springs Utility Company, Inc. on and after August 1, 2013.

4. Because the August 16, 2013, effective date of Decision No. 74037 post-dates the above-referenced time frames, the Decision should be corrected, *nunc pro tunc*, to reflect the following:

- Page 46, Line 18: delete: "July 31, 2013," and insert: "August 31, 2013,"
- Page 47, Line 9: delete: "August 1, 2013," and insert: "September 1, 2013."
- Page 47, Line 26: delete: "July 31, 2013," and insert: "August 31, 2013,"
- Page 49, Line 22: delete: "August 1, 2013," and insert: "September 1, 2013."

CONCLUSIONS OF LAW

1. Clear Springs Utility Company, Inc. is a public service corporation within the meaning of Article XV of the Arizona Constitution.

2. The Commission has jurisdiction over Clear Springs Utility Company, Inc. and over the subject matter of the applications.

3. Decision No. 74037 should be corrected, *nunc pro tunc*, as discussed herein.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 74037 is hereby corrected *Nunc Pro Tunc* as follows:

- Page 46, Line 18, delete: "July 31, 2013," and insert: "August 31, 2013,"
- Page 47, Line 9, delete: "August 1, 2013," and insert: "September 1, 2013,"
- Page 47, Line 26, delete: "July 31, 2013," and insert: "August 31, 2013,"
- Page 49, Line 22, delete: "August 1, 2013, " and insert: "September 1, 2013,"

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2013.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

BM:dap

1 SERVICE LIST FOR: CLEAR SPRINGS UTILITY COMPANY, INC.

2 DOCKET NOS.: W-01689A-11-0401 and WS-01689A-11-0402

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